

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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XU CHEN, JIA JUN XU, JIAN FENG LIU,

Plaintiffs,

-against-

**ORDER**  
15-CV-3073 (SIL)

ZAZA JAPAN INC., doing business as Zaza Japan  
Asian Bistro & Hibachi, DAVID ZHU, ZHONG  
YONG LIN, and JOHN DOES AND JANE DOES #  
1-10,

Defendants.

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**LOCKE, Magistrate Judge:**

On June 29, 2016, the parties submitted a joint motion seeking approval of a Settlement Agreement in this Fair Labor Standards Act action. *See* Docket Entry (“DE”) [27]. At an August 16, 2016 hearing, the Court denied the motion without prejudice because the Settlement Agreement contained impermissible release and non-disparagement provisions. *See* DE [29]. Thereafter, on August 31, 2016, the parties submitted a revised Settlement Agreement and requested Court approval. DE [30]. The Court again denied without prejudice the parties’ request for approval of the revised Settlement Agreement due to an improper non-disparagement clause. DE [31]. On November 9, 2016, the parties filed a second revised Settlement Agreement signed by all parties. DE [33]. Having reviewed the second revised Settlement Agreement, the Court finds that its terms are fair and reasonable. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015); *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (requiring that a district court scrutinize an FLSA settlement agreement to determine that it is fair and

reasonable). Therefore, the second revised Settlement Agreement is approved and the case is hereby closed.

Dated: Central Islip, New York  
January 4, 2017

**SO ORDERED**

s/ Steven I. Locke

STEVEN I. LOCKE

United States Magistrate Judge